

ASCENSION PARISH CODE

ANIMAL CONTROL ORDINANCE

Chapter 1 GENERAL PROVISIONS

Section 1:100 TITLE

This Ordinance shall be known as the "Parish of Ascension Animal Control Ordinance".

Section 1:200 JURISDICTION

This Ordinance shall apply to the entire area of the Parish of Ascension, except the areas of the incorporated municipalities thereof.

Section 1: 300 DEFINITIONS.

For the purpose of this Ordinance, the following definitions, terms, words and phrases shall have the following meaning or usage:

Abandonment or abandon: a) leaving an animal for a period in excess of twenty-four (24) hours without adequate food, water, or shelter; b) leaving an animal by a roadside or other area, or c) leaving an animal on either public or private property without the property owner's consent.

Adequate Food: the provision, in a sanitary manner, at certain intervals not to exceed twenty-four (24) hours, of a quantity of wholesome age and species appropriate food sufficient to maintain an adequate level of nutrition.

Adequate Shelter: facilities that are well constructed, adequate to provide shelter from the elements, and appropriate to the animal's age and physical condition. All animals shall be able to comfortably stand at their full height, stretch out, turn around, lie down and make postural adjustments. Said shelter must be free of an excessive amount of animal waste, maintained in a safe and healthful manner and be free of standing water.

Adequate Water: provision of in a sanitary manner and at certain intervals not to exceed twenty-four (24) hours, a supply of clean water sufficient for the needs of the animal.

Animal Control Shelter: any facility operated by the Parish of Ascension for the purpose of impounding animals under the authority of this Ordinance or state law.

At-Large: any animal that is not within the confines of its owner's property or automobile or in the owner's physical possession.

Exception: Hunting, cattle or stock dogs, government or law enforcement dogs actively being worked under the physically present supervision of their owners or agents or employees of owners are **excepted** from this definition.

Bite any abrasion, puncture, tear or piercing of the human skin by an animal.

Cat: any domestic feline of either sex.

Collar: a band, chain, or other device worn around the neck of the animal. The collar shall be monitored and maintained to insure proper fit in order to prevent discomfort or injury.

Dangerous: any animal whose behavior, including, but not limited to, attempted or actual attack on a human or another animal, constitutes a reasonable risk of 1) injury, 2) exposure to rabies to a human or animal, or 3) damage to personal or real property, or any animal who has been owned or kept, primarily or in part, for dog fighting.

Dog: a domestic canine of either sex.

Euthanasia: the humane destruction, by a veterinarian or other person duly certified or trained, of an animal accomplished by a method that involves the use of an agent that produces painless loss of consciousness and subsequent death during such loss of consciousness.

Exotic Animal: any species of animal born or whose natural habitat is outside the continental United States and including any undomesticated animal, indigenous to the United States, which can normally be found in the wild state.

Harboring an Animal: An animal is harbored if it is fed or sheltered seven (7) days or more, unless the animal is being boarded for a fee.

Impounded: any animal received into custody by an Animal Control Officer.

May: is permissive.

Nuisance: any animal which 1) molests or chases pedestrians or passing vehicles; 2) damages public or private property; 3) barks, whines or howls in a continuous, excessive or untimely manner; 4) is an at large or roaming female animal in its mating season or 5) causes unsanitary conditions or odors about the property of the owner or on public property through urination or defecation.

Owner: any person owning, keeping, harboring or controlling a dog or cat, including persons temporarily in possession of a dog or cat at the owner's request.

Parish: the Parish of Ascension.

Premises: a definite portion of real estate/property, including land with its appurtenances, a building or part of a building.

Poison: any substance that causes injury, illness or death, especially by chemical means.

Severely Injured: any animal which because of major trauma, broken bones, blood loss, or other apparent life threatening condition, is not expected to live or is in extreme pain or suffering.

Shall: "shall" is mandatory.

State: the State of Louisiana

Stock, Working, or Cattle Dogs: dogs used primarily to herd or work cattle;

Stray Dog/Cat: any dog or cat that is found, observed, secured or impounded while at-large and is not physically wearing a rabies tag, license tag, or any other means of identification.

Vaccination Certificate: a numbered certificate signed by the veterinarian who administered the rabies vaccine, stating the year issued, the name of the animal's owner, description of the animal, and certifying that the animal was vaccinated against rabies.

Vaccination against Rabies: an inoculation by a veterinarian of a recognized rabies vaccine.

Vaccination License Tag: a suitable tag bearing the same number as the vaccination certificate and the year issued.

Veterinarian: any person duly licensed to practice veterinary medicine by the Louisiana Board of Veterinarian Medical Examiners.

Vicious Animal: a cat or dog which has demonstrated a propensity to bite or attempt to bite humans, or which causes reasonable fear of bodily injury by attacking or threatening to attack a person, except when such person may be in the act of unlawfully trespassing upon private property of the owner.

Year or yearly: a calendar year.

CHAPTER 2 OWNER'S RESPONSIBILITIES

Section 2:100. GENERAL

Except as otherwise provided in this Ordinance, the owner of an animal:

- 1) shall provide for the animal's physical needs, including, but not limited to veterinary care, adequate food, adequate water, and adequate shelter;
- 2) shall insure that the animal is not a nuisance, not dangerous, not vicious;
- 3) shall insure that the animal is not at large or is not running at large;
- 4) shall have the animal vaccinated against rabies in accordance with the state law or regulations or this Ordinance;
- 5) shall not abandon the animal or permit the animal to run at large; and
- 6) shall register or license the dog with the Parish.

If an owner fails to comply with this Section, the animal may be removed or seized from the owner and impounded at the Animal Shelter.

Section 2:200. RABIES VACCINATION AND TAGS

Every owner of a cat or dog over three (3) months of age shall have the animal vaccinated against rabies by a licensed veterinarian on a yearly basis and tagged with the vaccination license tag attached to a collar to be worn by the animal at all times.

In addition to the license tag, the veterinarian vaccinating any dog or cat shall issue a vaccination certificate to the owner or keeper of such animal.

Section 2.300. REGISTRATION, LICENSE, AND TAGS

Except as provided hereinafter, every owner of a dog or cat shall register the animal with the Parish, shall pay all registration fees, and shall affix the registration tag to the collar worn by the animal. The registration and license shall be renewed on a yearly basis.

The annual registration fee shall be \$5.00 for each infertile animals and \$10.00 for each fertile animal. An infertile animal is a dog or cat that has been neutered,, spayed, or has been rendered incapable of birthing a litter by a veterinarian.

An animal shall not be registered unless the owner presents a valid vaccination certificate.

Said registration may be obtained from the Animal Control officer or any veterinarian that has agreed to register animals for the Parish.

It shall be the duty of the Parish or veterinarian to record the name of the person who owns the animal, a description of the animal, and the license number assigned to the animal.

EXCEPTION: This section shall not apply to hunting dogs, cattle or working dogs, or government or police dogs.

Chapter 3 PROHIBITIONS

Section 3:100. ABANDONMENT PROHIBITED

It shall be unlawful for any person to abandon any dog or cat.

Section 3:200. ABANDONMENT PROHIBITED

It shall be unlawful for any person to violate any provision of Section 2:100.

Section 3:300. RUNNING AT LARGE PROHIBITED

It shall be unlawful for any person to permit an animal to run at large. It shall be the duty of the owner or keeper to have the animal confined within his property or under his immediate control.

Exception: this prohibition does not apply to working, stock, or hunting dogs.

Section 3:400. CIVIL PENALTIES

The penalties for a violation of Sections 3:100, 3:200, or 3:300 are civil penalties. The penalties are:

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| First infraction | \$25.00 |
| Second infraction within 2 year period | \$50.00 |
| Third infraction within 2 year period | \$75.00 |
| Each subsequent infraction within 2 year | \$100.00 |

Section 3:500. CRUELTY TO ANIMALS

It shall be unlawful to maliciously or willfully strike, beat, abuse, or intentionally run down with a vehicle any animal, or engage in any act to cause or inflict pain, injury, suffering, or death to an animal, or to permit or procure such acts to be committed upon any animal.

It shall be unlawful for a person to administer or intentionally expose any animal to any poison with the intent that the animal will ingest the poison.

It shall be unlawful to carry, or cause to be carried, an animal in or on a vehicle in a cruel, inhumane and unsafe manner.

Nothing in this section shall prohibit the use of reasonable force to drive away a vicious or trespassing animal or to take any action necessary to avoid injury to a person.

Section 3:600. CRIMINAL PENALTIES FOR CRUELTY TO ANIMALS

Any person who violates the provisions of Section 3:500 shall, upon conviction by a court of competent jurisdiction, be deemed guilty of a misdemeanor and may be fined an amount not more than five hundred dollars (\$500.00), imprisoned for not more than one hundred eighty (180) days, or both.

If the person so charged is found guilty, the court may, at its discretion, order the forfeiture of the animal and order the final determination of custody of the animal as part of the sentence.

Section 3:700. SEIZURE AND DISPOSITION OF ANIMALS CRUELLY TREATED

When a person is charged with a violation of Section 3:500, the animal may be impounded in the discretion of the Animal Control Officer until final disposition of the charge.

An animal that is not expected to survive as the direct result of cruelty may be euthanized. A veterinarian shall certify in writing that the animal will not survive prior to said euthanization.

All veterinarian and boarding fees incurred during the impounding period shall be the responsibility of the person so convicted.

Section 3:800 WILD OR EXOTIC BITE CASES

Any wild or exotic animal that bites a human shall be euthanized and the head sent for rabies testing at an appropriate facility.

Any wild or exotic animal that is found dead and has bitten a human will be impounded and the head sent for rabies testing at an appropriate facility.

CHAPTER 4 IMPOUNDMENT OF ANIMALS

Section 4:100 GENERAL PROVISIONS FOR IMPOUNDMENT

Animals kept without adequate food, water or shelter; that are treated cruelly, that are infected with disease, or that present a threat to public safety shall be impounded.

Animals that are at large, that are not vaccinated or registered, or that are not wearing a current rabies or license tag shall be impounded.

Animals that are abandoned shall be impounded.

Animals that considered a nuisance, dangerous, or vicious shall be impounded.

Section 4:200. DOG OR CAT BITE: MANDATORY IMPOUNDMENT

A dog or cat which bites a human shall be seized and placed in quarantine for at least 10 days for surveillance.

The place of quarantine shall be at the discretion of the seizing officer and may be at the Ascension Parish Animal Shelter, at a veterinary clinic, or in the home of the owner.

Impounding fees incurred during the quarantine shall be the responsibility of the owner and the animal shall not be released to the Owner until the fees are paid.

Section 4:300 NOTIFICATION OF OWNER AND RECLAMATION

If an impounded animal is bearing identification, the Animal Control Officer shall, within 48 hours of impoundment, notify the owner of the impoundment, by certified mail or hand-delivered notice, and advise of the procedures, fees, and the requirements for reclaiming the animal.

An impounded animal may be reclaimed by its owner **only** after all boarding/impounding fees, civil penalties, and any and all other fees are paid by the owner and all vaccination, licensing and tag requirements are met.

Section 4:400 TIME FOR IMPOUNDMENT AND EFFECT OF FAILURE TO RECLAIM

If the identity of the owner is known, the animal shall be impounded in the Animal Shelter for a minimum of five (5) days, weekends and holidays excluded, **after** the date of receipt or delivery of the notice to the owner, unless the animal is reclaimed.

If the identity of the owner is not known or the animal is not wearing a registration tag or identification of the owner, the impounded animal shall be impounded in the Animal Shelter for a minimum of five (5) days, weekends and holidays excluded, unless the animal is reclaimed.

Impounded animals that are not claimed at the end of the subject period will be considered forfeited by the owner thereof. The animal will be considered for adoption. If

the animal does not meet the specifications established by the Parish for adoption, the animal may be euthanized at the sole and exclusive discretion of the Parish.

Section 4:500 FEES

The owner of an impounded animal shall be responsible for the following fees/costs, plus applicable impounding fees set forth in Section 4:600 and the civil penalties set forth in Section 3:400, if any, :

Registered animal wearing a valid tag:

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| First Offense | \$25.00 |
| Second Offense | \$30.00 |
| Third Offense | \$100.00 |
| Every subsequent offense in a calendar year | \$150.00 |

Unregistered animal or registered animal:

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| First Offense | \$30.00 |
| Second Offense | \$40.00 |
| Third Offense | \$100.00 |
| Every subsequent offense in a calendar year | \$150.00 |

No animal shall be released from impoundment until all fees are paid. Failure to pay the fees within the expiration of the time for impoundment shall constitute forfeiture of the animal. At that time, the animal may be placed for adoption or euthanized.

Section 4:600 FEE SCHEDULE FOR IMPOUNDED ANIMALS

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| Board per day or part of day | \$5.00 |
| Litter of puppies pick-up | \$5.00 |
| Adult animal pick-up | \$5.00 |
| Euthanasia and disposal | \$10.00 |
| Euthanasia and Disposal (out of Parish animals) | \$30.00 |
| Impoundment of animals other than dogs or cats | \$15.00 |

Section 4:700. PENALTY FOR FAILURE TO RECLAIM ANIMAL

Any owner who has been notified that his animal has been impounded who fails or refuses to reclaim the animal and pay the impounding fees set forth in Section 4:500 and 4:600 shall be subject to a penalty for failure to reclaim the animal in addition to the fees for the impoundment, plus cost of service of the notice not to exceed fifty dollars (\$50.00) per notice:

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| First failure to reclaim | 50.00 |
| Second failure to reclaim | \$100.00 |
| Third and subsequent failures to reclaim | \$250.00 |

Section 4:800 SEVERELY INJURED OR TERMINALLY ILL ANIMALS

Any animal seriously injured or terminally ill and having no expectation of survival, may be euthanized at the discretion of the supervisor or director if the animal is impounded at the shelter or by the impounding officer if the animal is in the field.

CHAPTER 5
MISCELLANEOUS PROVISIONS

Section 5:100 ENFORCEMENT

This Ordinance may be enforced by the Ascension Parish Sheriff's Office, the Ascension Parish Animal Control Officer, the Constables of the Parish of Ascension, or any other law enforcement officer of the State of Louisiana or the Parish of Ascension.

Section 5:200 WAIVER OF LIABILITY

The Parish, the Animal Control Officer, the Sheriff, or any enforcement officer shall not be liable for damages or subject to prosecution for euthanizing or killing any nuisance, dangerous, or vicious dog or cat, any dog or cat suspected of having rabies, or any dog or cat which has bitten any person.

STATE OF LOUISIANA
PARISH OF ASCENSION

ORDINANCE

Purpose:

The purpose of this Ordinance is to repeal Section 5-31 through 5-44, *et seq.*, of Article III (entitled "Animal Control") and to enact the following Ordinance, entitled "Animal Control Ordinance" of the Ascension Parish Code, as follows:

WHEREAS, the Ascension Parish Council finds it necessary to repeal the existing provisions of Sections 5-31 through 5-44 in their entirety and to replace same with the following "Animal Control Ordinance", numbered paragraphs 1:100 through 5:300, therefore the Council does hereby repeal and re-enact said provisions.

This Ordinance is being adopted in conformity with Section 6-01 of the Ascension Parish Charter.

This ordinance having been submitted to a vote, the vote thereon was as follows:

Yeas: A.THOMAS, A.THOMPSON, D.BROWN, D.NICKENS,
M.VICKNAIR, A.BOURQUE, S.KLING, J.SAVOY,
M.McCONNELL, D.MARTINEZ

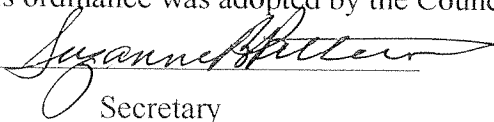
Nays: NONE

Not Voting: T.PEARCE

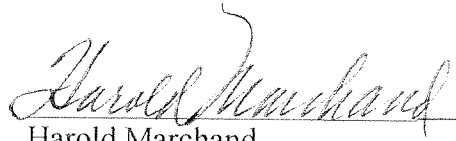
Absent: NONE

And this ordinance was adopted by the Council on the 20TH day of February 2002.

Attest:


Secretary

Approved by Parish President:


Harold Marchand
Parish President

3-11-02
Date